

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY THOMAS HARDIN, JR.,

Plaintiff,

v.

PATRICK COVELLO, et al.,

Defendants.

No. 2:23-cv-1902 DAD AC P

ORDER

Plaintiff has filed a motion for a third extension of time to file an amended complaint. ECF No. 26. The current deadline is April 14, 2025. ECF No. 25. In granting plaintiff's last request for an extension of time, the court cautioned that further extensions of time were unlikely to be granted absent a showing of extraordinary circumstances.¹ *Id.* at 2. Plaintiff requests an extension of time on the grounds that he is waiting for grievances to be processed and that he is doing legal research. ECF No. 26. Neither of these reasons constitutes extraordinary circumstances warranting a further extension.

With respect to plaintiff's assertion that he is waiting on grievances, administrative remedies are to be exhausted prior to filing suit, and proving extensions of time to allow for

¹ In addition to the original thirty days plaintiff was given to amend the complaint, he has been granted two extensions of time. The first extension was for sixty days (ECF No. 20), while the second was for thirty days (ECF No. 25).


1 exhaustion is not appropriate. See McKinney v. Carey, 311 F.3d 1198, 1199 (9th Cir. 2002) (per
2 curiam) (rejecting prisoner's claim that district court should have stayed case to allow for
3 exhaustion and finding dismissal was required). As for plaintiff's assertion that he requires
4 additional time to conduct legal research, plaintiff is not required to cite legal authority or provide
5 legal analysis in his complaint. Instead, he should focus on explaining to the court what each
6 defendant did that he believes violated his rights.

7 Although plaintiff has not established sufficient grounds to further extend the deadline to
8 file an amended complaint, because the deadline for filing an amended complaint will have
9 expired by the time plaintiff receives this order, he will be granted fourteen days to submit his
10 amended complaint. No further extensions of time will be granted and failure to file an amended
11 complaint will result in a recommendation that this action be dismissed.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Plaintiff's motion for an extension of time (ECF No. 26) is GRANTED; and
14 2. Plaintiff has an additional fourteen days, up to April 28, 2025, to file an amended
15 complaint. No further extensions of time will be granted.

16 DATED: April 14, 2025

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18 ALLISON CLAIRE
19 UNITED STATES MAGISTRATE JUDGE
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